

## MINUTES

### SARATOGA SPECIAL CITY COUNCIL MEETING JUNE 20, 2012

The City Council called a Joint Meeting with Saratoga Homeowners and Neighborhood Associations to order at 5:30 p.m. in the Saunders Room in the Saratoga Senior Center located at 19655 Allendale Avenue.

### SARATOGA REGULAR CITY COUNCIL MEETING JUNE 20, 2012

Mayor Page called the meeting to order at 7:09 p.m. and invited members of local Girl Scout and Boy Scout troops to the stage to lead the pledge of allegiance.

#### **ROLL CALL**

PRESENT Council Members Manny Cappello, Howard Miller, Emily Lo,  
Vice Mayor Jill Hunter, Mayor Chuck Page

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager  
Richard Taylor, City Attorney  
Crystal Morrow, City Clerk  
John Cherbone, Public Works Director  
Mary Furey, Finance and Administrative Services Director  
James Lindsay, Community Development Director  
Michael Taylor, Recreation and Facilities Director  
Christopher Riordan, Senior Planner  
Iveta Harvancik, Senior Engineer

#### **REPORT OF CITY CLERK ON POSTING OF AGENDA**

City Clerk Crystal Morrow reported that pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on June 14, 2012.

#### **REPORT FROM CLOSED SESSION**

Mayor Page announced that there was nothing to report from Closed Session.

#### **COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

##### **Oral Communications on Non-Agendized Items**

Arlene Goetze of 877 Spinosa in Sunnyvale spoke in opposition to fluoridation of local water supplies.

##### **Oral Communications - Council Direction to Staff**

None

##### **Communications from Boards and Commissions**

None

## **Council Direction to Staff**

None

## **ANNOUNCEMENTS**

Mayor Page provided a summary of the City Council's Joint Meeting with Saratoga's Homeowners and Neighborhood Associations.

Vice Mayor Hunter shared that Sidewalk Affair will take place on June 23, 2012 in the Village. Additionally, Village businesses will be decorating their storefronts in observance of Independence Day and an Independence Day celebration will take place at Kevin Moran Park on July 4. Vice Mayor Hunter also made an announcement about Saratoga's Got Talent.

Council Member Cappello shared that Saratoga's Got Talent will take place on Saturday, June 23, 2012. The event is a talent show and proceeds will go to the Senior Center.

Council Member Lo announced that there will be a public meeting on Wednesday, June 27, 2012 to solicit input on the Village Streetscape Improvement Project. Plans are available on the City website and at the Chamber offices in the Village.

Council Member Miller noted that there are still spaces available for children in the Recreation Department's summer programs.

Mayor Page announced that there will be an Independence Day celebration at Kevin Moran Park at 9:30 a.m. on July 4, 2012 and encouraged residents to attend.

## **CEREMONIAL ITEMS**

None

## **SPECIAL PRESENTATIONS**

None

## **CONSENT CALENDAR**

1. City Council Meeting Minutes

**Recommended action:**

Approve City Council minutes for the meeting on June 6, 2012.

**CAPPELLO/LO MOVED TO APPROVE CITY COUNCIL MINUTES FOR THE MEETING ON JUNE 6, 2012. MOTION PASSED 5-0-0.**

2. Review of Accounts Payable Check Registers

**Recommended action:**

Review and accept check registers for the following accounts payable payment cycles:

May 31, 2012

June 7, 2012

CAPPELLO/LO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES:**

**MAY 31, 2012**

**JUNE 7, 2012**

MOTION PASSED 5-0-0.

3. Annual Approval of the City's Investment Policy

**Recommended action:**

That the City Council review and approve the Investment Policy for Fiscal Year 2012/13.

CAPPELLO/LO MOVED TO **APPROVE THE INVESTMENT POLICY FOR FISCAL YEAR 2012/13.** MOTION PASSED 5-0-0.

4. Adoption of Ordinance No. 292 Allowing Tasting Rooms as a Permitted Use in the Village

**Recommended action:**

Waive the second reading and adopt Ordinance No. 292 amending the zoning regulations related to alcohol sales within the Village.

Mayor Page removed this item from the Consent Calendar at the request of staff.

Mayor Page invited public comment.

The following person requested to speak:

Paul Hernandez

Community Development Department Director James Lindsay shared an updated draft of the ordinance that includes the word “consumption” in the definition of “tasting room” and recommended that the Council reintroduce the ordinance at the June 20, 2012 Council Meeting and adopt the ordinance at the July 18, 2012 meeting.

Mayor Page invited additional public comment on the item.

No one requested to speak.

CAPPELLO/HUNTER MOVED TO **REINTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE AMENDING THE CITY CODE TO ALLOW TASTING ROOMS IN THE CH ZONING DISTRICT AND DIRECTED STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL.** MOTION PASSED 5-0-0.

5. Adoption of Ordinance No. 293 related to Impervious Surfaces and Lot Coverage

**Recommended action:**

Staff recommends the Council waive the Second Reading and adopt Ordinance No. 293 amending the Zoning Regulations related to impervious surfaces and lot coverage.

**ORDINANCE NO. 293**

CAPPELLO/LO MOVED TO WAIVE THE SECOND READING AND ADOPT ORDINANCE NO. 293 AMENDING THE ZONING REGULATIONS RELATED TO IMPERVIOUS SURFACES AND LOT COVERAGE. MOTION PASSED 5-0-0.

6. Highway 9 Safety Improvement Project Phase II – Award of Construction Contract

**Recommended action:**

1. Move to declare the lowest responsible bidder on the project and award the construction contract
2. Move to approve resolution amending the annual budget

Mayor Page removed this item from the Consent Calendar at the request of staff.

Public Works Director John Cherbone reported that the bids received were higher than anticipated. Consequently, staff has amended its recommendation and is requesting that the Council reject all bids and direct staff to rebid the project with a reduced scope of work.

**RESOLUTION NO. 12-040**

PAGE/HUNTER MOVED TO APPROVE THE RESOLUTION AMENDING THE ANNUAL BUDGET. MOTION PASSED 5-0-0.

PAGE/HUNTER MOVED TO REJECT ALL BIDS AND DIRECT STAFF TO REBID THE PROJECT WITH AN ALTERNATE SCOPE OF WORK. MOTION PASSED 5-0-0.

7. Resolution in Support of Santa Clara Valley Water District Parcel Tax

**Recommended action:**

Approve the attached resolution in support of the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Plan Parcel Tax to be placed on the November 2012 ballot.

**RESOLUTION NO. 12-041**

CAPPELLO/LO MOVED TO APPROVE THE ATTACHED RESOLUTION IN SUPPORT OF THE SANTA CLARA VALLEY WATER DISTRICT SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PLAN PARCEL TAX TO BE PLACED ON THE NOVEMBER 2012 BALLOT. MOTION PASSED 5-0-0.

8. Authorization for Santa Clara County Used Oil Payment Program Application

**Recommended action:**

Authorize the City Manager to sign a letter giving the County of Santa Clara authorization to submit a regional Used Oil Payment Program application and act on behalf of the City of Saratoga.

CAPPELLO/LO MOVED TO AUTHORIZE THE CITY MANAGER TO SIGN A LETTER GIVING THE COUNTY OF SANTA CLARA AUTHORIZATION TO SUBMIT A REGIONAL USED OIL PAYMENT PROGRAM APPLICATION AND ACT ON BEHALF OF THE CITY OF SARATOGA. MOTION PASSED 5-0-0.

## **PUBLIC HEARINGS**

None

## **OLD BUSINESS**

None

## **NEW BUSINESS**

9. Community Event Grant Request – Wildwoodstock 2012

**Recommended action:**

Provide direction on the community event grant request in the amount of \$2,578 for Wildwoodstock 2012.

City Clerk Crystal Morrow presented the staff report and invited Rose Smith to the podium to speak on behalf of the grant applicant.

Rose Smith provided additional information about the grant request.

Mayor Page invited public comment on the item.

The following people requested to speak:

Rose Smith

Ric Hines

Helen Greene

No one else requested to speak.

**CAPPELLO/MILLER MOVED TO APPROVE THE COMMUNITY EVENT GRANT REQUEST IN THE AMOUNT OF \$2,578 FOR WILDWOODSTOCK 2012.**

Council Member Lo requested an amendment to the motion to exclude the cost of the Alcohol Beverage Control License from the grant request and thereby reduce the amount of the grant to \$2,328.

**CAPPELLO/MILLER ACCEPTED THE AMENDMENT TO THE MOTION AND MOVED TO APPROVE THE COMMUNITY EVENT GRANT REQUEST IN THE AMOUNT OF \$2,328 – NOT INCLUDING FUNDING FOR THE ALCOHOL BEVERAGE CONTROL LICENSE – FOR WILDWOODSTOCK 2012.** MOTION PASSED 5-0-0.

10. Conditional Use Permit Fee Reimbursement for the French Tailor

**Recommended action:**

Consider the applicant's request for a \$3,400 reimbursement in fees for an Administrative Conditional Use Permit.

Community Development Department Senior Planner Christopher Riordan presented the staff report on the item.

Mayor Page invited Helene Simone, the applicant, to the podium to answer questions and provide additional information about her request.

Mayor Page invited public comment.

No one requested to speak.

HUNTER/CAPPELLO MOVED TO **DENY THE REQUEST FOR A \$3,400 REIMBURSEMENT IN FEES FOR AN ADMINISTRATIVE CONDITIONAL USE PERMIT.** MOTION PASSED 3-2-0 WITH PAGE AND MILLER OPPOSING.

#### 11. Direction on Retail Alcohol Sales

**Recommended action:**

Provide direction to the Planning Commission to make a recommendation to the City Council on allowing retail alcohol sales as a permitted use in commercial zoning districts.

Community Development Department Director James Lindsay presented the staff report.

Mayor Page invited public comment.

No one requested to speak.

HUNTER/CAPPELLO MOVED TO **SCHEDULE DISCUSSION OF RETAIL SALES OF BEER AND WINE AS A PERMITTED USE AT THE 2013 CITY COUNCIL RETREAT AND DIRECTED STAFF TO PROVIDE TO FOLLOWING INFORMATION FOR THE RETREAT:**

- **LIST OF CITIES THAT ALLOW RETAIL BEER AND WINE SALES AS A PERMITTED USE, INCLUDING POPULATION AND SIZE AND PROXIMITY OF RETAIL TO THOSE OF NEIGHBORING CITIES; AND**
- **INFORMATION ON HOW OTHER CITIES MAKE FINDINGS OF PUBLIC CONVENIENCE AND NECESSITY AS REQUIRED BY STATE LAW WHEN ALCOHOL BEVERAGE CONTROL LICENSE THRESHOLDS ARE SURPASSED.**

MOTION PASSED 5-0-0.

#### **ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Chuck Page

*Santa Clara County Cities Association* – at the last meeting, there was discussion on funding for and incentives to promote Rocketship Education.

*Valley Transportation Authority PAC* – Mayor Page attended the Valley Transportation Authority PAC on behalf of Council Member Miller and reported that there was a discussion on the One Bay Area Grant.

*West Valley Sanitation District* – the District Board has selected a new District manager, who is expected to begin the first week of July 2012. At the last meeting, the Board resolved an issue with fees charged for hookups to the Sam Cloud Barn.

Vice Mayor Jill Hunter

*Historical Foundation* – the Historical Foundation will meet on June 21, 2012.

*KSAR Community Access TV Board* – KSAR has been very active. Saratoga Highlights are available on YouTube and the station is working on scheduling an interview with retired Saratoga High School Principal Karen Hyde.

*Library Joint Powers Authority* – Vice Mayor Hunter attended the Library JPA meeting on behalf of Council Member Lo. The construction of a new administration building and participation in the JPA were discussed.

Council Member Emily Lo

*Village Ad Hoc* – the Village Ad Hoc met two weeks ago to review Village Streetscape Improvement plans. A community meeting on the plans will be held on June 27, 2012.

The plans can be viewed on the City's website or at the Chamber offices in the Village.

Council Member Howard Miller

*West Valley Solid Waste Management Joint Powers Authority* – the JPA held a study session on June 18, 2012 to prepare for the expiration of the existing hauler contract, which ends in 2 years.

Council Member Manny Cappello

*Chamber of Commerce* – the Chamber is working on several events, including Celebrate Saratoga and the annual car show. Additionally, the new officers will assume their positions on July 1, 2012. Debra Cummins will be the Chamber's new president. The effort to recruit businesses to participate in Destination Saratoga is moving forward and new members are joining.

**CITY COUNCIL ITEMS**

Mayor Page noted he may bring forward discussion on development of a Sustainability Commission.

**CITY MANAGER'S REPORT**

None

**ADJOURNMENT**

MILLER/CAPPELLO MOVED TO **ADJOURN THE MEETING AT 9:41 P.M.**  
MOTION PASSED 5-0-0.

Minutes respectfully submitted:

Crystal Morrow, City Clerk